

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
*See* Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JUN 25 2010

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2010-0100-PR
	)	DEPARTMENT A
Respondent,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
DONALD RAY PALMER,	)	the Supreme Court
	)	
Petitioner.	)	
_____	)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20050892

Honorable Edgar B. Acuña, Judge

REVIEW GRANTED; RELIEF DENIED

Donald Ray Palmer

Buckeye  
In Propria Persona

E S P I N O S A, Presiding Judge.

¶1 After a jury trial in 2007, petitioner Donald Ray Palmer was convicted of attempted first-degree murder, drive-by shooting, and aggravated assault, all dangerous offenses. Finding Palmer had been convicted of prior serious offenses, the trial court sentenced him to concurrent terms of life in prison without the possibility of release for twenty-five years, with presentence incarceration credit for 782 days. The court also

ordered Palmer to pay restitution in the amount of \$37,292.50. We affirmed Palmer's convictions and sentences on appeal. *State v. Palmer*, No. 2 CA-CR 2007-0118 (memorandum decision filed Sept. 18, 2008).

¶2 Although defense counsel Brick Storts filed a petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., he subsequently filed a motion to withdraw as counsel, which the trial court granted, directing Storts to act as advisory counsel. Both Storts and Palmer then filed motions to strike Storts's Rule 32 petition, which the court denied. However, the court permitted Palmer to file a pro se, amended/supplemental petition, which he did. In two minute entry orders, one in December 2009 and the other in March 2010, the court denied relief without holding an evidentiary hearing on the claims presented in both Rule 32 petitions and in Palmer's pro se motion for reconsideration, and this petition for review followed. We will not disturb a trial court's ruling on a petition for post-conviction relief absent an abuse of discretion. *State v. Watton*, 164 Ariz. 323, 325, 793 P.2d 80, 82 (1990). We find none here.

¶3 On review, Palmer has reiterated many of the claims he raised below, which can be characterized either as claims of newly discovered evidence or ineffective assistance of trial counsel. In its rulings denying post-conviction relief, the trial court noted the "large number" of claims Palmer had raised and clearly identified each of his arguments, correctly ruling on the claims in a manner that will allow this and any other court to understand the bases for their resolution. We therefore adopt the court's rulings and see no need to revisit them. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶4 Because we conclude the trial court did not abuse its discretion by dismissing Palmer’s petitions for post-conviction relief, we grant the petition for review but deny relief.

/s/ Philip G. Espinosa  
PHILIP G. ESPINOSA, Presiding Judge

CONCURRING:

/s/ Joseph W. Howard  
JOSEPH W. HOWARD, Chief Judge

/s/ J. William Brammer, Jr.  
J. WILLIAM BRAMMER, JR., Judge